

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.6738-6739 OF 2012
(Arising out of S.L.P.(C) NOS.17305-17306 OF 2005)

UMA RASTOGI

Appellant(s)

VERSUS

GOMI BAI (DEAD) BY LRS & ORS.

Respondent(s)

O R D E R

Leave granted.

These appeals are directed against the judgment and decree dated 29th December, 2004, passed by the Andhra Pradesh High Court, disposing of two appeals, being A.S. Nos.209 and 353 of 2004.

The said two appeals arose out of a common judgment and decree dated 19th November, 1993, in O.S. No.209 of 1983 of the Court of Principal Subordinate Judge, Ranga Reddy District at Saroornagar, Andhra Pradesh.

The appellant herein, Smt. Uma Rastogi, filed the aforesaid suit for specific performance of an agreement for sale of immovable property dated 2nd March, 1971. The Trial Court held in her favour on the question of validity of the oral agreement of sale, but only granted the alternate relief of compensation, as prayed for by the appellant.

Aggrieved by the said judgment and decree in holding that the appellant had proved the agreement and also awarding compensation to her, the defendant in the suit, filed A.S. No.209 of 1994, whereas the appellant as plaintiff filed A.S. No.353 of 1994. As indicated herein-above, both the two appeals were taken up together for disposal and by its judgment and decree dated 29th December, 2004, the High Court dismissed the appeal filed by the appellant with costs and allowed the appeal preferred by the defendants, who are the respondents herein. Consequently, the appellant's suit was dismissed on all counts.

In the present appeals, at the time when the special leave petitions were filed, notice was issued on 29th August, 2005, on the limited question as to why the compensation, as granted by the Trial Court, be not paid to the appellant.

We have heard learned counsel for the parties and we are of the view that the suit filed by the appellant had been rightly allowed in respect of the alternate prayer regarding the payment of compensation.

| (Chetan Kumar)
| Court Master

| | (Juginder Kaur)
| | Assistant Registrar

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(Signed order is placed on the file)